

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

LOCAL 8027, AFT-NEW HAMPSHIRE, AFL-CIO, RYAN
RICHMAN, JOHN DUBE and JOCEYLN MERRILL,
teachers in the New Hampshire Public Schools, and
KIMBERLY GREEN ELLIOTT and MEGHAN EVELYN
DURDEN, parents or guardians of children in the New
Hampshire public schools.

Plaintiffs,

v.

FRANK EDELBLUT, in his Official Capacity as
Commissioner of the DEPARTMENT OF EDUCATION
("DOE"), CHRISTIAN KIM in his Official Capacity as the
Chair of the NEW HAMPSHIRE COMMISSION ON
HUMAN RIGHTS, and JOHN FOMELLA in his Official
Capacity as ATTORNEY GENERAL of the State of New
Hampshire.

Defendants.

Civil No. 1:21-cv-01077-PB

ANDRES MEJIA,
CHRISTINA KIM PHILIBOTTE, and
NATIONAL EDUCATION ASSOCIATION-NEW
HAMPSHIRE,

Plaintiffs,

v.

FRANK EDELBLUT, in his official capacity only as the
Commissioner of the New Hampshire Department of
Education,
JOHN M. FORMELLA, in his official capacity only as the
Attorney General of the State of New Hampshire,
AHNI MALACHI, in her official capacity only as the
Executive Director of the New Hampshire Commission for
Human Rights,
CHRISTIAN KIM, in his official capacity
only as the Chair of the New Hampshire Commission for
Human Rights,
KEN MERRIFIELD, in his official capacity only as the
Commissioner of the Department of Labor,

Defendants.

**THE PARTIES' JOINT MOTION FOR CLARIFICATION AND
FOR IMPOSITION OF A REVISED BRIEFING SCHEDULE**

All parties, through counsel, submit this Joint Motion for Clarification and for Imposition of a Revised Briefing Schedule. The parties state as follows:

1. Following the February 15, 2023 status conference and yesterday's orders, the parties wish to confirm that, for cross-motion for summary judgment briefing, simultaneous cross-motions shall be filed, to be followed with subsequent and simultaneous objections to those cross-motions. Given that this Court is not permitting replies and sur-replies absent leave of court, such simultaneous cross-motions and objections would ensure that each side receives an opportunity to respond to the other in writing before oral argument in this matter. As the parties do not recall this being discussed at the February 15, 2023 status conference in detail—and where this procedure is not fully reflected in yesterday's orders—the parties wish to confirm that this how briefing will proceed.

2. Furthermore, consistent with this proposal and the parties' discussion at the February 15, 2023 conference, the parties hereby propose a new briefing schedule for this Court's consideration that accommodates the agreed-upon 90 day-discovery window (with discovery ending on May 19, 2023):

- The parties' simultaneous cross-motions for summary judgment: **June 19, 2023**
- The parties' simultaneous objections to the respective cross-motions for summary judgment: **July 19, 2023**
- This proposal would allow oral argument to occur in early **August 2023**.

Due to the nature of this Motion, no supporting memorandum of law is required.

WHEREFORE, the parties jointly request that the Court:

- A. Allow the foregoing Motion for Clarification and for Imposition of a New Briefing Schedule, and enter the briefing scheduled in Paragraph 2 listed above; and
- B. Grant any additional relief that is just and proper.

Dated: February 17, 2023

Respectfully Submitted,

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